

Regulations and Permitting

with Doug Navetski

Why Regulations

?

Why Permits



Regulatory Requirements

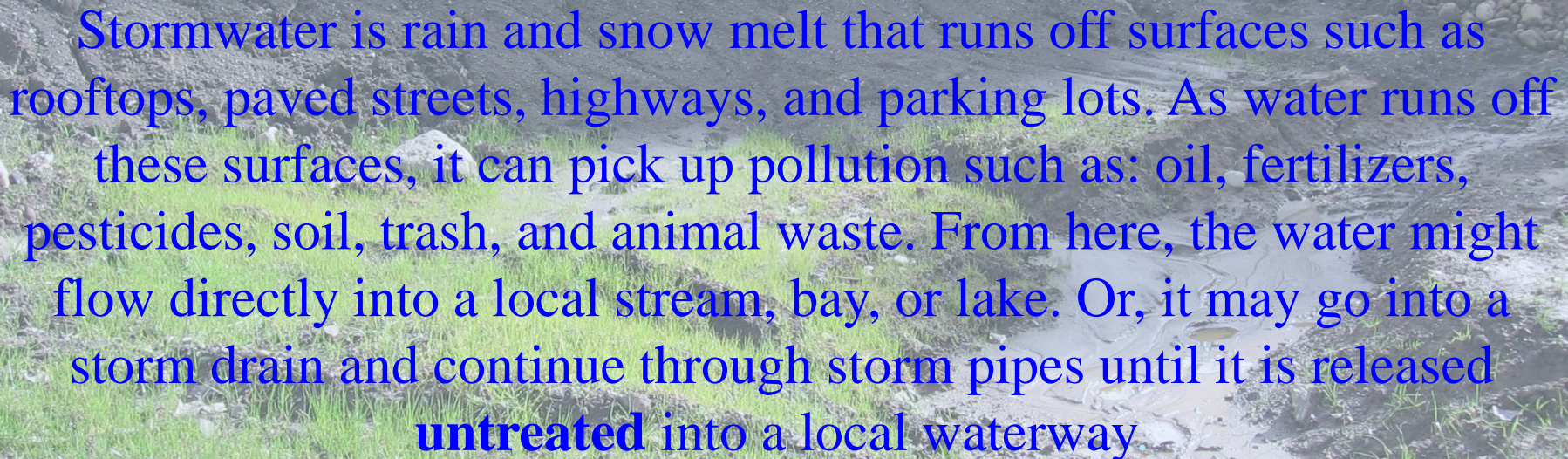


- **Federal** - Clean Water Act
- **State** - NPDES: National Pollutant Discharge Elimination System General Permit for Construction Activities
 - Water Quality Standards
 - TMDL
- **Local** - King County Code Title 9
 - Surface Water Design Manual

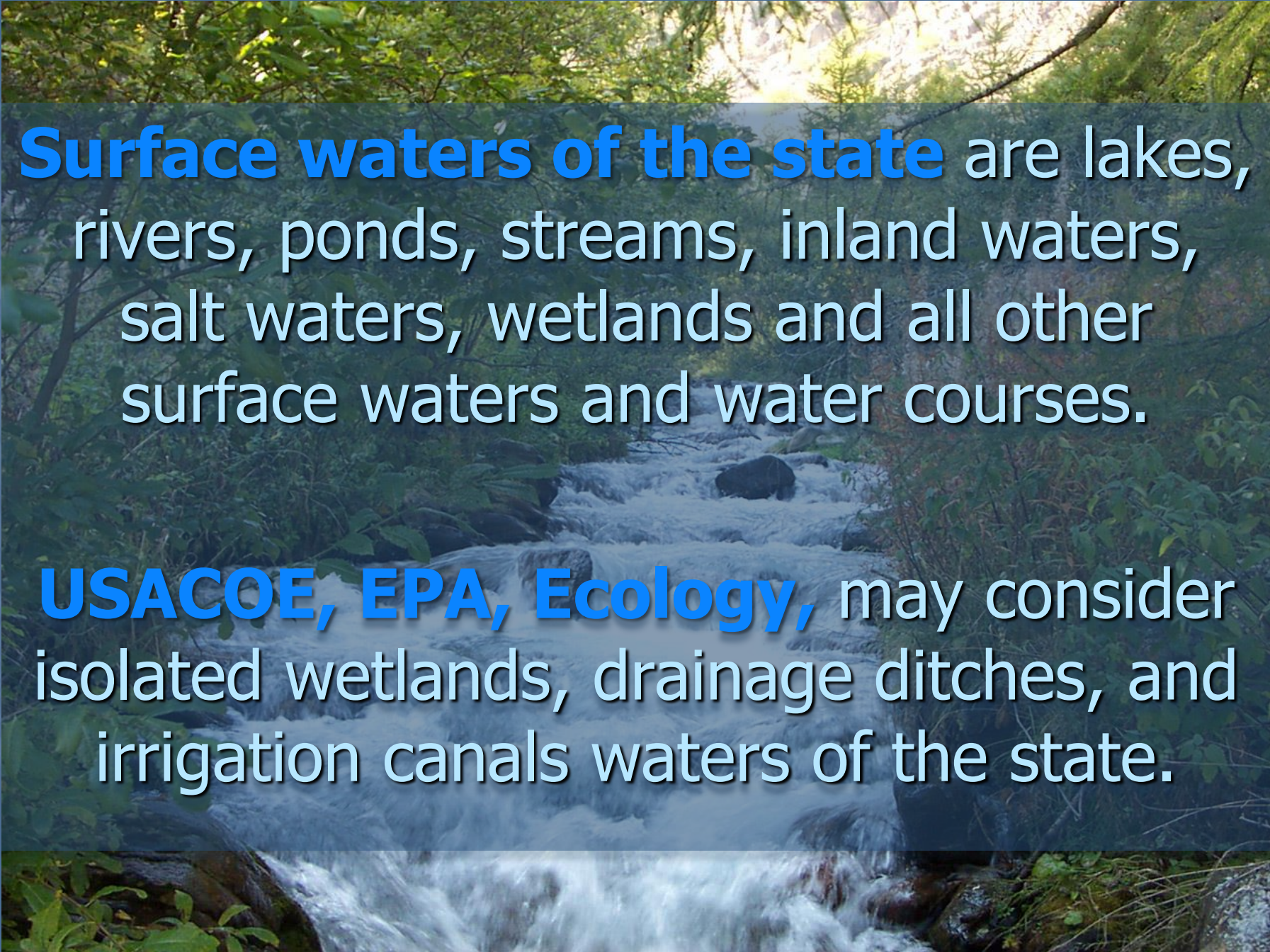
Non-point Source Discharge



EPA has identified sediment from construction sites as the #1 non-point source pollutant



Stormwater is rain and snow melt that runs off surfaces such as rooftops, paved streets, highways, and parking lots. As water runs off these surfaces, it can pick up pollution such as: oil, fertilizers, pesticides, soil, trash, and animal waste. From here, the water might flow directly into a local stream, bay, or lake. Or, it may go into a storm drain and continue through storm pipes until it is released **untreated** into a local waterway.

A photograph of a stream flowing over rocks in a forest. The water is white and turbulent as it cascades over dark, mossy rocks. The surrounding area is filled with green foliage and trees, with sunlight filtering through the leaves. The image is used as a background for the text.

Surface waters of the state are lakes, rivers, ponds, streams, inland waters, salt waters, wetlands and all other surface waters and water courses.

USACOE, EPA, Ecology, may consider isolated wetlands, drainage ditches, and irrigation canals waters of the state.

Locally

**Up to 70% of the pollutants
entering the Sound come
from stormwater runoff**



A photograph of a coastal area. In the foreground, a yellow bulldozer is positioned on a rocky, debris-strewn shore. A chain-link fence runs across the lower part of the image. Beyond the shore is a body of water, and in the distance, there are mountains and a small island with trees.

Water.....

“Water is the most critical resource issue of our lifetime & our children’s lifetime. The health of our waters is the principal measure of how we live on the land.”

Luna Leopold

Chief Hydrologist U.S. Geological Survey

EPA's Stormwater History

- National stormwater regulations go back to the Refuse Act of 1899
- Public Health Service Act of 1912
- Oil Pollution Act of 1924
- Federal Water Pollution Control Act of 1948
- Amended 1972 and Again in 1977, the federal Clean Water Act was amended to prohibit point-source pollutant discharges into navigable waters without a permit. The NPDES Program was created.
- In 1987 Water Quality Act this was expanded to include stormwater. The Municipal NPDES permit program was created

EPA Federal Clean Water Act

- 1972** – NPDES permitting created (Point Source Dischargers)
- 1987** – Stormwater permits for industrial stormwater dischargers and MS4s obtain NPDES permits required
- 1990** – Phase I
 - Cities over 100K
 - Industries (11 SIC Codes)(MSGP)
 - Construction over 5 acres
- 1999** – Phase II
 - Urban cities
 - Construction 1-5 acres (3 year permit)
- 2000** – MSGP Reissued
- 2003** – Construction 1-5 acres reissued
- 2008** – MSGP Reissued
 - Construction 1-5 acres reissued
- 2012** – Current 2012 Final EPA Construction General Permit
- 2016** – Proposed MS4 General Permit Remand Rule
- 2017** – Construction Permit to be reissued

Ecology State NPDES Program

- 1995** – Phase I Municipal NPDES Permit Issued
 - Construction (1-5 acres) NPDES Permit Issued
- 2000 - 2007** –Phase I Municipal Permits annually extended
- 2005** – New construction permit issued
- 2007** – Phase I Municipal NPDES permit Reissued
 - Phase II Municipal NPDES permit (Eastern & Western Washington) issued
- 2010** – New Construction General Permit issuance
- 2012 & 2013** – Phase I & Phase II Municipal NPDES Permits Reissued
- 2010** – New Construction General Permit issuance
- 2018** – Phase I & Phase II Municipal NPDES Permits Reissued



Other NPDES Permits

(General & Individual) (Wastewater & Stormwater)

- Industrial Permits
- Boatyard Permits
- CAFO Permits
- Sand and Gravel
- Aquatic Pesticide
- Aquatic Mosquito
- Etc.



AllPosters

Washington State Water Quality Programs

- State water quality standards (Surface Water, Ground Water, Sediment)
- TMDL Program 303(d)
- Stormwater Management Manuals for Western & Eastern Washington
- Anti-degradation policy

CSGP Discharges to 303(d) or TMDL Waterbodies

Special Section - S8

- Prevent exposing stormwater to pollutants for which the waterbody is impaired
- Retains documentation of efforts in the SWPPP
- Sampling weekly if discharging for 303(d) listing:
 - Turbidity, Fine Sediment, Phosphorus: 25 NTU at discharge or surface water quality standard.
 - High pH: pH has to be in the range of 6.5 – 8.0
 - TMDL or Another Pollution control Plan: Sample weekly or as specified for TMDL. Meet TMDL's special requirements.
- Exceeding the effluent limits is a violation of CSGO permit.
 - Daily sampling until violation is corrected.
 - Notify Ecology

CSGP Discharges to 303(d) or TMDL Waterbodies

Special Section - S8 Page 23 - 27

S8. DISCHARGES TO 303(d) OR TMDL WATERBODIES

A. Sampling and Numeric Effluent Limits For Certain Discharges to 303(d)-listed Waterbodies

1. Permittees who discharge to segments of waterbodies listed as impaired by the State of Washington under Section 303(d) of the Clean Water Act for turbidity, fine sediment, high pH, or phosphorus, must conduct water quality sampling according to the requirements of this section, and Special Conditions S4.C.2.b-f and S4.C.3.b-d, and must comply with the applicable numeric effluent limitations in S8.C and S8.D.
2. All references and requirements associated with Section 303(d) of the Clean Water Act mean the most current listing by Ecology of impaired waters (Category 5) that exists on January 1, 2016, or the date when the operator's complete permit application is received by Ecology, whichever is later.

B. Limits on Coverage for New Discharges to TMDL or 303(d)-listed Waters Operators of construction sites that discharge to a TMDL or 303(d)-listed waterbody are not eligible for coverage under this permit *unless* the operator:

1. Prevents exposing stormwater to pollutants for which the waterbody is impaired, and retains documentation in the SWPPP that details procedures taken to prevent exposure on site; or
2. Documents that the pollutants for which the waterbody is impaired are not present at the site, and retains documentation of this finding within the SWPPP; or
3. Provides Ecology with data indicating the discharge is not expected to cause or contribute to an exceedance of a water quality standard, and retains such data on site with the SWPPP. The operator must provide data and other technical information to Ecology that sufficiently demonstrate:
 - a. For discharges to waters without an EPA-approved or -established TMDL, that the discharge of the pollutant for which the water is impaired will meet instream water quality criteria at the point of discharge to the waterbody; or
 - b. For discharges to waters with an EPA-approved or -established TMDL, that there is sufficient remaining wasteload allocation in the TMDL to allow construction stormwater discharge and that existing dischargers to the waterbody are subject to compliance schedules designed to bring the waterbody into attainment with water quality standards.

Operators of construction sites are eligible for coverage under this permit if Ecology issues permit coverage based upon an affirmative determination that the *discharge will not cause or contribute to the existing impairment*.

C. Sampling and Numeric Effluent Limits for Discharges to Water Bodies on the 303(d) List for Turbidity, Fine Sediment, or Phosphorus

1. Permittees who discharge to segments of water bodies on the 303(d) list (Category 5) for turbidity, fine sediment, or phosphorus must conduct turbidity sampling in accordance with Special Condition S4.C.2 and comply with either of the numeric effluent limits noted in Table 5 below.
2. As an alternative to the 25 NTUs effluent limit noted in Table 5 below (applied at the point where stormwater [or authorized non-stormwater] is discharged off-site), Permittees may choose to comply with the surface water quality standard for turbidity. The standard is: no more than 5 NTUs over background turbidity when the background turbidity is 50 NTUs or less, or no more than a 10% increase in turbidity when the background turbidity is more than 50 NTUs. In order to use the water quality standard requirement, the sampling must take place at the following locations:
 - a. Background turbidity in the 303(d)-listed receiving water immediately upstream (upgradient) or outside the area of influence of the discharge.



“The Water Quality Standard”

Chapter 173-201A WAC

Your site discharge cannot raise the background turbidity by 5 NTU or by more than 10% when background is over 50 NTU



King County Construction Programs

- **Clearing and Grading Permits**
- **King County Surface Water Design Manual and Stormwater Pollution Prevention Manual**
- **King County Code Title 9**

KC Surface Water Design Manual

**New 2016
Manual !!**

Core Requirement 5

ESC Measures

ESC Performance Measures

Flexible Compliance

Roads and Utilities

ESC Plan

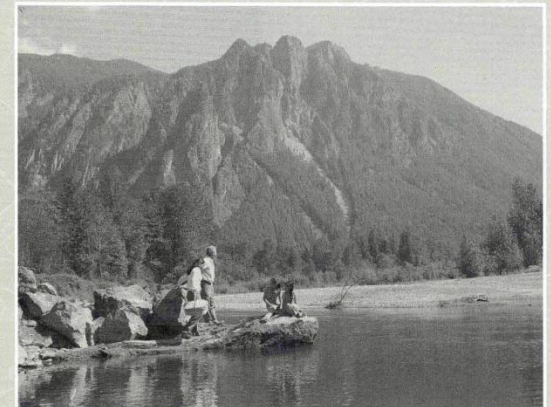
Wet Season Construction

Critical Areas and Buffers

Maintenance

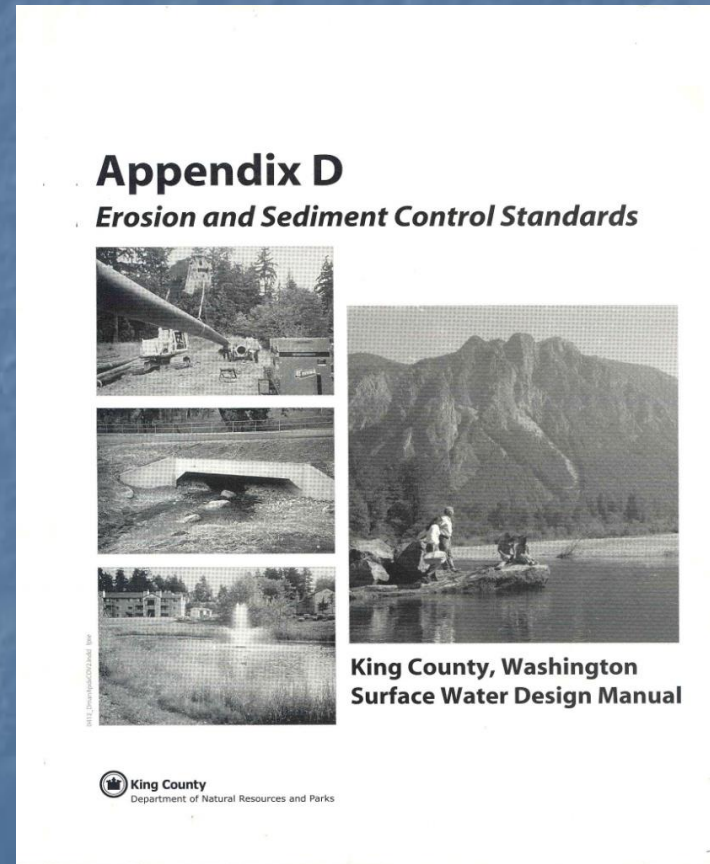
Final Stabilization

King County, Washington Surface Water Design Manual



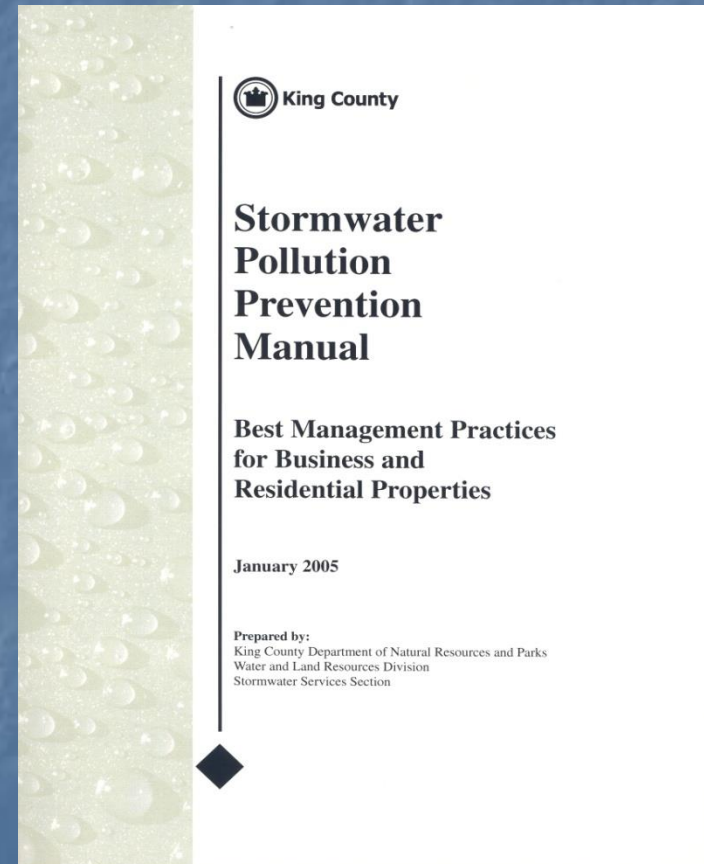
Appendix D ESC Standards

- Comprehensive list of ESC controls
- Much the same as W. Wash Manual Vol II Construction Stormwater Pollution Prevention
- Part of KC SWDM
- Become very familiar with



Stormwater Pollution Prevention Manual

- Required Source Control BMPs for existing development
- Required for New Development if specific Activities ID'd
- Required as part of CSWWP



The background image shows a construction site with straw bales and black erosion control fabric. The fabric is partially covered by straw, and some green vegetation is visible. The scene is set against a dark blue background.

Title 9 – Surface Water Management Local Permitting Authority SHALL take enforcement action if:

- Sediment leaves construction site and causes water quality violations.
- Clearing and grading limits or BMPs are not installed or maintained.

Endangered Species Act



Construction Runoff Impacts to Aquatic Environment

- 💧 Decrease Food-Chain Organisms
- 💧 Impair Feeding
- 💧 Clog Gills
- 💧 Reduce Photosynthesis
- 💧 Diminished Spawning
- 💧 Smothered Eggs and Fry



Sediments Stress Fish



Be Aware of These Permits & their Requirements:

- 💧 §401 Cert/§404 Permit
- 💧 SEPA
- 💧 Critical Areas Ordinances
- 💧 Shoreline SDPs
- 💧 Grading Permits
- 💧 Clearing Permits



Army Corps of Engineers Department of Fish and Wildlife



Hydraulic Project Approval In Water Work Window / Permit

Clean Air Act

*Street Sweeper with
regenerative air filtration*





Is this familiar?

Water Quality Regulations

Federal:

- NEPA
- Statewide Planning; Metropolitan Planning Regs. (FHWA &FTA)
- Water Pollution Control Act, Public Law 95-217 (Clean Water Act)
- Water Quality Act of 1987
- Coastal Zone Management Act (CZMA)
- Coastal Barrier Resources Act of 1982
- Land and Water Conservation Fund Act Title 16 [Section 6(F)]
- National Historic Preservation Act of 1966 (NHPA), as Amended
- Section 4(f) of the Department of Transportation Act
- Archaeological Resources Protection Act (ARPA)
- Surface Transportation and Uniform Relocation Assistance Act (STURAA) of 1987
- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)
- Superfund Amendments and Reauthorization Act (SARA)
- Resource Conservation and Recovery Act (RCRA)
- Clean Air Act & Amendments
- Safe Drinking Water Act of 1974
- Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)
- Rivers and Harbors Act of 1899
- Ocean Dumping Act
- Uniform Relocation and Real Property Acquisition Policies Act of 1970, as Amended
- Noise Control Act of 1972
- Title VI of the Civil Rights Act of 1964
- Executive Order 11990, Protection of Wetlands, 1977
- Executive Order 11988, Floodplain Management, 1977
- Executive Order 12185, Energy Conservation, 1979
- Executive Order 12898, Environmental Justice, 1994
- Endangered Species Act of 1973, as amended
- Fish and Wildlife Act of 1956
- Fish and Wildlife Coordination Act
- Migration Bird Conservation Act
- Watershed Protection and Flood Prevention Act
- Estuary Protection Act
- Wild and Scenic Rivers Act
- Farmlands Protection Policy Act
- Tribal Treaty

State:

- SEPA
- Washington State Shoreline Management Act
- Governor's Executive Order EO 81-18 (Water Quality Certification)
- Governor's Executive Order EO 89-10, Protection of Wetlands, 1989
- Governor's Executive Order EO 90-04, Protection of Wetlands, 1990
- Governor's Executive Order EO 80-01, Farmlands Preservation, 1980
- Hazardous Waste Management Act
- Waste Reduction Act
- Model Toxics Control Act
- Washington State Growth Management Act
- Washington State Water Pollution Control Act
- Forest Practices Act
- Flood Control Zone Act of 1935
- Surface Mining - DNR
- Archaeological Sites and Resources Act
- Indian Graves and Records Act
- Abandoned and Historic Cemeteries Act
- Clean Air Washington Act of 1991
- Commute Trip Reduction Act of 1991

Local:

- Critical Areas Ordinances (Growth Management Act)
- Grading Permit
- Clearing Permit
- Building Permit
- Conditional Use Permit
- Water Rights Permit
- Shoreline Substantial Development Permit

When does your project need a Construction NPDES Permit?

If your **construction project** will discharge stormwater into **surface waters** or into storm drainage systems AND:

Disturbs one or more acres of land;

OR

Is less than an acre if part of a **common plan of development or sale** that will disturb an acre or more.

Construction project is any land disturbing activity, including clearing, grading, excavating, and demolition.
Reference KCC 16.82



You Do Not Need a Permit If:

- You discharge *only* to the ground (through infiltration basins, dry wells, drain fields, etc.). You cannot have a point source discharge to surface waters or storm sewer systems that drain to surface waters.
- You are doing routine maintenance.
- You are doing work for a contractor or developer who already has a permit.
- You are on federal or tribal land (except Puyallup Indian Reservation).
- You qualify for an erosivity waiver.

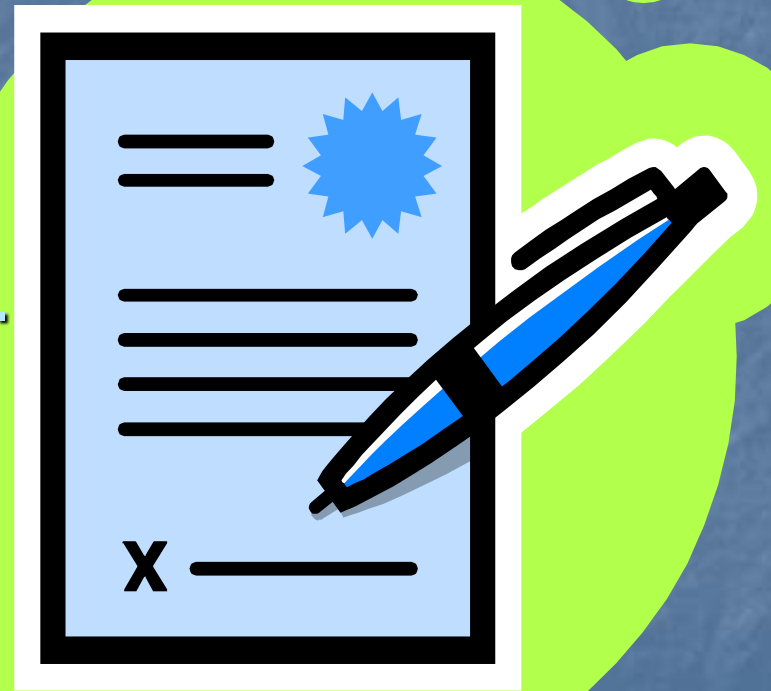
If Your Site Infiltrates all Stormwater

- SWPPP / ESCP / TESC / protects infiltration facilities from sediment contamination
- Groundwater is protected from pollutants other than sediment.
- UIC



So You Need a Permit, Now What?

1. Have you complied with SEPA?
2. Who is the operator?
3. **Apply** for the permit,
4. File a notice of intent (NOI).
5. Publish public notice.
6. Develop your SWPPP/ESCP
7. Monitor the site
8. Record and report
9. **Terminate** the permit



Oh, by the way...

Regardless of your size, Ecology can require a permit if it deems your project a “significant contributor of pollutants.”

Who Is the Operator?

- The operator of the construction site must apply.
- Responsible for complying with permit conditions.
- Has operational control over construction plans and specifications or is in charge of day-to-day activities relating to the SWPPP.
- Can have co-permittees but don't have multiple permits.

Changes from 2010 to 2016

Construction Permit

Ecology reissued the Construction Stormwater General Permit (CSWGP) on November 18, 2015. The new CSWGP went into effect on January 1, 2016. Ecology received one appeal. Although the CSWGP has been appealed, the new permit is current effective January 1, 2016.

All Permittees must reapply per Section G8 of the current permit

Summary of Changes located at:

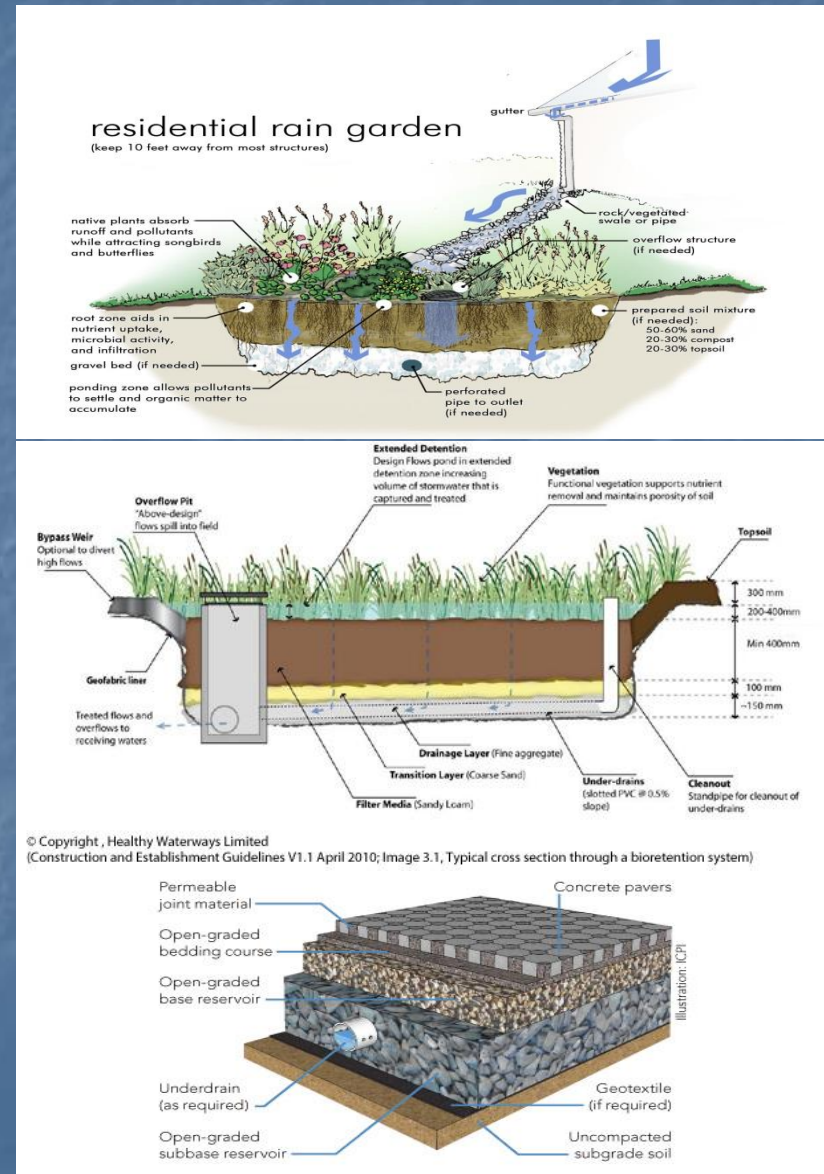
<http://www.ecy.wa.gov/programs/wq/stormwater/construction/permitdocs/SummaryOfChangesTable.pdf>

- 13 pages - Mostly Clarifications
 1. Must use eNOI
 2. Notify Ecology of Contaminants
 3. Exceedances – Phone or Electronic Reports (high turbidity w/in 24 hours)
 4. Noncompliance notification upon becoming aware (w/in 24 hrs, w/in 5 days detailed report)
 5. Concrete Management

Changes from 2010 to 2016 Construction Permit

Low Impact Development

1. Permittees must protect all Bioretention and Rain Garden facilities from sedimentation through installation and maintenance of erosion and sediment control BMPs on portions of the site that drain into the Bioretention and/or Rain Garden facilities.
2. Restore the facilities to their fully functioning condition if they accumulate sediment during construction. Restoring the facility must include removal of sediment and any sediment-laden Bioretention/Rain Garden soils, and replacing the removed soils with soils meeting the design specification.
3. Permittees must maintain the infiltration capabilities of Bioretention and Rain Garden facilities by protecting against compaction by construction equipment and foot traffic. Protect completed lawn and landscaped areas from compaction due to construction equipment.
4. Permittees must control erosion and avoid introducing sediment from surrounding land uses onto permeable pavements. Do not allow muddy construction equipment on the base material or pavement. Do not allow sediment-laden runoff onto permeable pavements.
5. Permittees must clean permeable pavements fouled with sediments or no longer passing an initial infiltration test using local stormwater manual methodology or the manufacturer's procedures.
6. Permittees must keep all heavy equipment off existing soils under LID facilities that have been excavated to final grade to retain the infiltration rate



Changes from 2010 to 2016 Construction Permit Exceedances and Noncompliance

1. Applicants must notify Ecology if they are aware of contaminated soils and/or groundwater associated with the construction activity. Provide detailed information with the NOI on the nature and extent of the contamination
2. Anytime sampling performed in accordance with Special Condition S4.C indicates turbidity has reached the 250 NTUs or more (or transparency less than or equal to 6 cm) high turbidity reporting level, the Permittee must either call the applicable Ecology Region's Environmental Report Tracking System (ERTS) number by phone within 24 hours of analysis or submit an electronic ERTS report (or submit an electronic report through Ecology's Water Quality Permitting Portal (WQWebPortal).
3. In the event the Permittee is unable to comply with any part of the terms and conditions of this permit, and the resulting noncompliance may cause a threat to human health or the environment (such as but not limited to spills of fuels or other materials, catastrophic pond or slope failure, and discharges that violate water quality standards), or exceed numeric effluent limitations (see S8. Discharges to 303(d) or TMDL Waterbodies), the Permittee must, upon becoming aware of the circumstance: Notify Ecology within 24-hours of the failure to comply by calling the applicable Regional office ERTS phone number.
4. Submit a detailed report to Ecology within five (5) days, of the time the Permittee becomes aware of the circumstances, unless requested earlier by Ecology. The report must be submitted using Ecology's Water Quality Permitting Portal (WQWebPortal) - Permit Submittals, unless a waiver from electronic reporting has been granted according to S5.B.



Changes from 2010 to 2016 Construction Permit

Contact information for non-compliance reporting or ERTS.

If a discharge point's turbidity is 250 NTUs or greater, or if discharge transparency is less than or equal to 6 cm, the Permittee must complete the reporting and adaptive management process described below.

- i. Telephone or submit an electronic report to the applicable Ecology Region's Environmental Report Tracking System (ERTS) number (or through Ecology's Water Quality Permitting Portal [WQWebPortal] – Permit Submittals when the form is available) within 24 hours, in accordance with Special Condition S5.A.
 - ◆ Central Region (Okanogan, Chelan, Douglas, Kittitas, Yakima, Klickitat, Benton): (509) 575-2490
 - ◆ Eastern Region (Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman): (509) 329-3400
 - ◆ Northwest Region (Kitsap, Snohomish, Island, King, San Juan, Skagit, Whatcom): (425) 649-7000
 - ◆ Southwest Region (Grays Harbor, Lewis, Mason, Thurston, Pierce, Clark, Cowlitz, Skamania, Wahkiakum, Clallam, Jefferson, Pacific): (360) 407-6300

Links to these numbers and the ERTS reporting page are located on the following web site:

<http://www.ecy.wa.gov/programs/wq/stormwater/construction/index.html>.





Water Quality

WATER QUALITY

Aquatic Plants, Algae & Lakes

Ground/Surface Waters

Nonpoint Pollution

Permits-Point Source

Puget Sound Water Quality

Stormwater

Construction Permit

Contact Us

Permit & Forms

Application

High Turbidity Reporting

Noncompliance Notification

Resources and Guidance

CESCL Training & Certification Programs

Historical Information

Industrial Permit

Municipal Permit

Sand and Gravel Permit

WSDOT Municipal Permit

WQ Permit Databases

Technical Resources

Useful Links

Wastewater Treatment

WQ Assessment/TMDLs

[Water Quality](#) > [Stormwater](#) > [Construction Stormwater General Permit](#)

Construction Stormwater General Permit

Construction site operators are required to be covered by a Construction Stormwater General Permit if they are engaged in clearing, grading, and excavating activities that disturb one or more acres and discharge stormwater to surface waters of the state. Smaller sites may also require coverage if they are part of a larger common plan of development that will ultimately disturb one acre or more. Operators of regulated construction sites are required to:

1. Develop stormwater pollution prevention plans.
2. Implement sediment, erosion, and pollution prevention control measures.
3. Obtain coverage under this permit.

NEW! Ecology reissued the Construction Stormwater General Permit (CSWGP) on November 18, 2015. The new CSWGP went into effect on January 1, 2016. Ecology received one appeal. Although the CSWGP has been appealed, the new permit is current effective January 1, 2016.

All Permittees must reapply per Section G8 of the current permit. [Reapplication Instructions and Information](#)

New Permit and Related Documents

- [Final Permit](#)
- [Final Permit \(Track Changes Version\)](#)
- [Response to Comments](#)
- [Summary of Changes](#)
- [Draft Permit and Related Documents](#)

Permit and Documents

WQWebDMR and PARIS

Contact Us - Contact your Permit Administrator for permit assistance or your Regional Office for site specific questions.

Application and Forms - Permit, application, forms, and appeal information.

High Turbidity Reporting - Construction projects must report high stormwater turbidity results within 24 hours by phone or electronically. If you get a high result, call your Ecology [regional office](#).

Resources and Guidance - DMRs, Stormwater monitoring, manuals, 303(d) list information, CESCL.

Historical Information - Pollution Control Hearing Board information, public comments.

Get Ecology updates about the Construction Stormwater General Permit - [Sign up for the Construction Stormwater General Permit email listserv](#)

Questions? Contact Amy Moon at 360-407-6467 or amy.moon@ecy.wa.gov



Reapplications were due July 3, 2015 - [Reapply online](#) to maintain permit coverage

[Online Application \(eNOI\) Now Available](#)

[Erosivity Waiver Calculator](#) | [Fact Sheet](#)

[Site Inspection Form](#)

[Request for Chemical Treatment Form](#)

[Sampling Frequently Asked Questions](#)

[Permit Application Status](#) - Check the status of your application

[Stormwater Pollution Prevention Plan Template](#) - To use this template, save to your computer

[Sign up for the Construction Stormwater General Permit listserv](#)



Contact Information for the Construction Stormwater General Permit

If you have questions or need assistance with drafting the public notice or completing the applications or other forms, please contact the following:

If your construction site is located in:	Contact the following staff:
City of Seattle, Kitsap, Pierce, or Thurston County	Josh Klimek 360-407-7451 josh.klimek@ecy.wa.gov
Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Skagit, Snohomish, Spokane, Stevens, Walla Walla, Whatcom, or Whitman County	Shawn Hopkins 360-407-6442 shawn.hopkins@ecy.wa.gov
Benton, Chelan, Clallam, Clark, Cowlitz, Douglas, Grays Harbor, Jefferson, Kittitas, Klickitat, Lewis, Mason, Okanogan, Pacific, Skamania, Wahkiakum, or Yakima County	Joyce Smith 360-407-6858 joyce.smith@ecy.wa.gov
Island, King, or San Juan County	Melinda Wilson 360-407-6556 melinda.wilson@ecy.wa.gov

Ecology Regional Contacts

To report a high turbidity reading please contact the following Ecology Regional Offices:

Central Region (509) 575-2490	Okanogan, Chelan, Douglas, Kittitas, Yakima, Klickitat, Benton
Eastern Region (509) 329-3400	Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla, Whitman
Northwest Region (425) 649-7000	Kitsap, Snohomish, Island, King, San Juan, Skagit, Whatcom
Southwest Region (360) 407-6300	Grays Harbor, Lewis, Mason, Thurston, Pierce, Clark, Cowlitz, Skamania, Wahkiakum, Clallam, Jefferson, Pacific

[Return to Construction Stormwater Page](#)



[Ecology home](#) > [Water Quality](#) > [Construction Stormwater General Permit](#) > Permit and Application

FEEDBACK

The Permit and Associated Documents

[Permit \(expired December 31, 2015\)](#)
[Permit \(effective January 1, 2016\)](#)
[Permit \(track changes version\)](#)
[Response to Comments](#)
[Summary of Significant Changes](#)
[Permit Application](#)

[It's Time to Reapply](#)

Forms and Guidance Documents

- [WQWebDMR Waiver Request Form](#)
- [Sampling Frequently Asked Questions](#)
- [Permit Application](#)
- [How to Meet Ecology's Construction Stormwater General Permit Requirements: A Guide for Construction Sites](#)
- [Transfer of Coverage Form](#) - for partial or complete permit transfers
- [Termination Form and Instructions](#) - for canceling permit. Submit the termination request after the entire site has been stabilized (grass and other landscaping established and all paving complete).
- [Erosivity Waiver Form](#) - for certain low-risk, 1-5 acre sites | [Erosivity Waiver Calculator](#)
- [Construction Stormwater Site Inspection Form](#)
- [Request for Chemical Treatment Form](#) - to request permission to use chemical treatment
- [Permit Fee Activity Status Change Form](#) - to reduce permit fees on inactive/stabilized construction sites
- [Proposed New Discharge to an Impaired Waterbody](#)

Who Needs Construction Stormwater Permit Coverage?

Please answer the following questions:

1. Does your construction project responsible for only a small portion of the larger project planned over time.
2. Is there any possibility that stormwater from your site is such that there is no possibility of land through clearing, grading, excavating, or stockpiling of fill material? Remember to count the cumulative acreage of the entire project whether in a single or in a multiphase project. This applies even if you are not discharging stormwater from your site during construction and into surface waters or conveyance systems leading to surface waters of the state? In almost every case, the answer to this question is yes. However, if the topography and location of your site is such that stormwater runoff from your site could leave the site or enter a waterway, you do not need permit coverage.

If you answered "yes" to both of the questions above, your construction site needs a permit.

[Return to Construction Stormwater Permit](#)

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 Gmail
 Favorites
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 More... (252)
 AddThis

Permit Coverage?

of land through clearing, grading, excavating, or stockpiling of fill material? Remember to count the cumulative acreage of the entire project whether in a single or in a multiphase project. This applies even if you are not discharging stormwater from your site during construction and into surface waters or conveyance systems leading to surface waters of the state? In almost every case, the answer to this question is yes. However, if the topography and location of your site is such that stormwater runoff from your site could leave the site or enter a waterway, you do not need permit coverage.

Construction site needs a permit. Construction site operators must apply for a permit 60 days prior to discharging stormwater.



NOTICE OF INTENT (NOI) APPLICATION FORM

Construction Stormwater General Permit

Check if applicable:
Change/Update Permit Information
Modification of Permit Coverage
Permit #WAR_____

Please print or type legibly all sections of this application.

I. Operator/Permittee

Operator: Person who has operational control over plans and specifications and/or has day-to-day operational control of activities which ensure compliance with permit conditions.

II. Site Owner

(If different than Operator/Permittee)

Name **YOUR NAME HERE**

Name

Company **YOUR COMPANY**

Company

You Need a SAW Account to access NOI Form

Unified Business Identifier (UBI)

Individuals without a UBI, enter none or non-applicable.

Unified Business Identifier (UBI)

Individuals without a UBI, enter none or non-applicable.

Mailing Address

Mailing Address

PO Box (Optional)

PO Box (Optional)

City

State

Zip

Cit
y

State

Zip

Phone No. Business Ext.

Cell **CALL ME DURING THE LIFE OF THIS PERMIT**

Phone No. Business Ext.

Cell

E-mail (Optional)

Fax No. (Optional)

E-mail (Optional)

Fax No. (Optional)

Applicants that discharge to a storm sewer system operated by Seattle, King County, Snohomish County, Tacoma, Pierce County, or Clark County shall also submit a copy of the NOI to the appropriate jurisdiction

Mailing Address

Mailing Address

PO Box (Optional)

PO Box (Optional)



Transfer of Coverage

Construction Stormwater General Permit

This form transfers permit coverage for all, or a portion Permit # WAR-_____ of a site to one or more new operators.

Type of permit transfer (check one): ☐ Partial transfer ☐ Complete transfer

Specific date that permit responsibility, coverage, and liability, is transferred to new operator: _____

Please see instructions for details on type of transfer.

Current Operator/Permittee Information

For partial transfers:

- List total size of project/site remaining under your operational control following transfer: _____ acres.
- List total area of soil disturbance remaining under your operational control following transfer: _____ acres.
- Submitting this form meets the requirement to submit an updated NOI (General Permit Condition G9)

Current Operator/Permittee Name:

Company:

Business Phone:

Ext:

Mailing Address:

Cell Phone:

Fax (optional):

Email:

City:

State:

Zip+4:

Signature* (see signatory requirements in Section VIII):

Title:

Date:

New Operator/Permittee Information

I. New Operator/Permittee (Party with operational control over plans and specifications or day-to-day operational control of activities which ensure compliance with Stormwater Pollution Prevention Plan (SWPPP) and permit conditions. Ecology will send correspondence

**This project is done and all areas are stabilized.
We do not want permit responsibility or need
permit coverage any longer.**

<https://fortress.wa.gov/ecy/publications/documents/ecy02087a.pdf>



Transfer of Coverage

Construction Stormwater General Permit

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Type of permit transfer (check one): ☐ Partial transfer ☐ Complete transfer

Specific date that permit responsibility, coverage, and liability, is transferred to new operator: _____

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Current Operator/Permittee Information

For partial transfers:

- List total size of project/site remaining under your operational control following transfer: _____ acres.
- List total area of soil disturbance remaining under your operational control following transfer: _____ acres.
- Submitting this form meets the requirement to submit an updated NOI (General Permit Condition G9)

Current Operator/Permittee Name:		Company:		
Business Phone:	Ext:	Mailing Address:		
Cell Phone:	Fax (optional):			
Email:		City:	State:	Zip+4:
Signature* (see signatory requirements in Section VIII):		Title:		
		Date:		

New Operator/Permittee Information

Cell Phone (Optional):	Fax (Optional):	E-mail:		
Mailing Address:		City:	State:	Zip + 4:

II. Property Owner (The party listed on the County Assessor's records as owner and taxpayer of the parcel[s] for which permit coverage



Notice of Termination Signature Language

“I certify under penalty of law that all stormwater discharges associated with construction activity from the identified site that are authorized by the National Pollution Discharge Elimination System (NPDES) and State Waste Discharge general permit have been eliminated, or that I am no longer the permittee for this site. I understand that by submitting this Notice of Termination that **I am no longer authorized to discharge stormwater associated with construction activity** by the general permit, and that discharging pollutants in stormwater to waters of the State of Washington is unlawful under the Clean Water Act where the discharge is not authorized by a NPDES permit. **I also understand that the submittal of this Notice of Termination does not release the permittee from liability for any violations of this permit or the Clean Water Act.”**

Liability Issues for CESCCLs

What you are required to do:

- On-site or on-call 24/7
- Inspection report
- "I certify that this report is true, accurate, and complete, to the best of my knowledge and belief."
- Determine compliance with SWPPP & Permit
- Summary of remedial actions

What you will probably be expected to do:

- Sampling
- Monthly reporting

If so....

You will provide:

- h. A statement that, in the judgment of the person conducting the site inspection, the site is either in compliance or out of compliance with the terms and conditions of the SWPPP and the permit. If the site inspection indicates that the site is out of compliance, the inspection report shall include a summary of the remedial actions required to bring the site back into compliance, as well as a schedule of implementation.
- i. Name, title, and signature of the person conducting site inspection; and the following statement: “I certify that this report is true, accurate, and complete, to the best of my knowledge and belief”.

Always sample and report accurately and promptly

“Any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by both.”

Compliance with water quality standards shall be presumed, unless discharge monitoring data or other site specific information demonstrates that a discharge causes or contributes to a violation of water quality standards, when the Permittee is:

1. In full compliance with all permit conditions, including planning, sampling, monitoring, reporting, and recordkeeping conditions; and
2. Fully implementing stormwater BMPs contained in *stormwater management manuals* published or approved by Ecology, or BMPs that are *demonstrably equivalent* to BMPs contained in stormwater technical manuals published or approved by Ecology, including the proper selection, implementation, and maintenance of all applicable and appropriate BMPs for on-site *pollution* control.

Feeling Overloaded?



NPDES

NOI

ESA

UIC

Permit

SWPPP

Clean
Water Act

BMP's

TMDL's

303d

HPA

Clean Air Act

Lets Take a Break